

DEPARTMENT OF THE ARMY SEATTLE DISTRICT. CORPS OF ENGINEERS P.O. BOX 3755

SEATTLE, WASHINGTON 98124-2255

AUG 20 1991

Regulatory Branch

Ash Grove Cement West, Inc. 3801 East Marginal Way South Seattle, Washington 98134

Reference: 0YB-1-014115

Ash Grove Cement West, Inc.

Gentlemen:

Enclosed is a Department of the Army permit which authorizes performance of the work described in your referenced application.

You are cautioned that any change in the location or plans of the work will require submittal of a revised plan to this office for approval prior to accomplishment. Deviation from approved plans may result in imposition of criminal or civil penalties.

Your attention is drawn to General Condition 1 of the permit which specifies the expiration date for completion of the work. You are requested to notify this office of the date the work is completed.

Sincerely,

Thomas F. Mueller

Chief, Regulatory Branch

Enclosure

USEPA SF

1261715

NPS FL 1145-7 APR 91 (Rev)

DEPARTMENT OF THE ARMY PERMIT

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Permittee Ash Grove Cement West, Inc.	Ash Grove Cement West, Inc. 3801 East Marginal Way South
Permit No. 0YB-1-014115	Seattle, Washington 98134
Issuing Office Seattle District	
NOTE: The term "you" and its derivatives, as used in this "this office" refers to the appropriate district or division offic activity or the appropriate official of that office acting under the	permit, means the permittee or any future transferee. The term se of the Corps of Engineers having jurisdiction over the permitted se authority of the commanding officer.
You are authorized to perform work in accordance with the ter	ms and conditions specified below.
and anroading).	
Project Location: In the Duwamish River at Seat	tle, Washington.
Permit Conditions:	
General Conditions:	
1. The time limit for completing the work authorized ends o more time to complete the authorized activity, submit your reone month before the above date is reached.	n 20 Aug 94 . If you find that you need equest for a time extension to this office for consideration at least
tions of this permit. You are not relieved of this requirement a good faith transfer to a third party in compliance with Ge	in good condition and in conformance with the terms and condi- if you abandon the permitted activity, although you may make eneral Condition 4 below. Should you wish to cease to maintain without a good faith transfer, you must obtain a modification of the area.
this permit, you must immediately notify this office of what	cological remains while accomplishing the activity authorized by you have found. We will initiate the Federal and state coordina- effort or if the site is eligible for listing in the National Register

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EDITION OF SEP 82 IS OBSOLETE.

of Historic Places.
ENG FORM 1721, Nov 86

(33 CFR 325 (Appendix A))

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. You must provide a copy of the permit transmittal letter, the permit form and drawing to all contractors performing any of the authorized work.

Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - () Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others,
 - d. This permit does not authorize interference with any existing or proposed Federal project.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes,
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.

Colonel

- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

ALG 7 1991

(PERMITTEE) NATHAN A. FERNOW

(DATE)

Asin Grove Cement West, Inc.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Tom f. Mueller 30 August 1991
(DISTRICT ENGINEER) (DATE)
MILTON HUNTER

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)